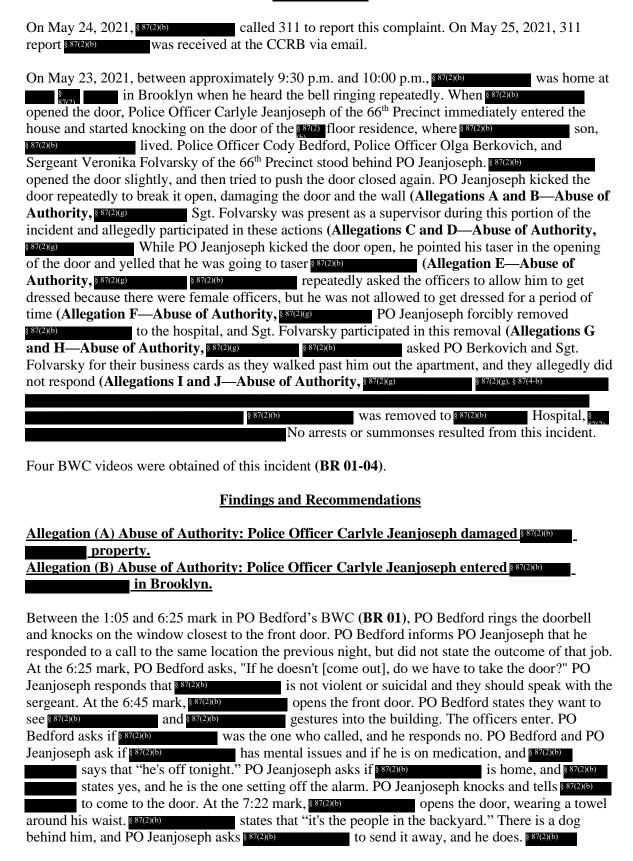
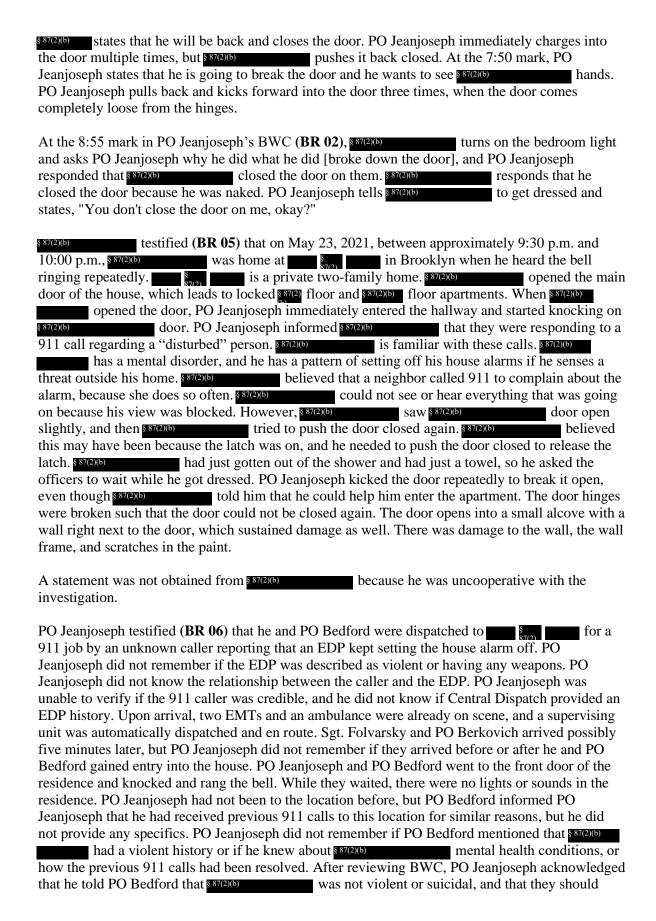
CCRB INVESTIGATIVE RECOMMENDATION

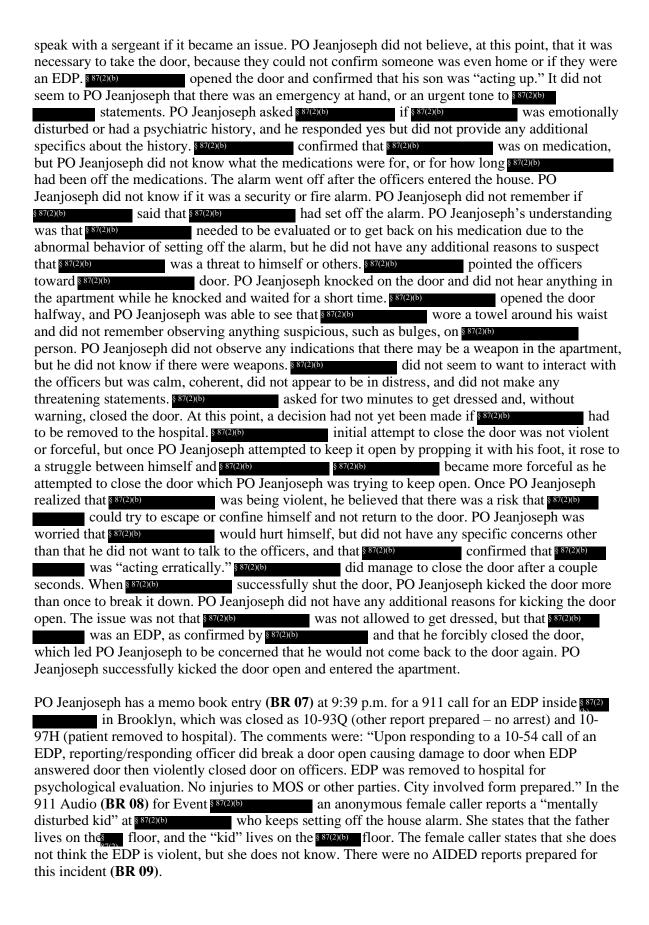
Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
Lily Kim		Squad #06	202103150	V	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 N	Io. SO	OL	Precinct:
Sunday, 05/23/2021 9:30 PM		§ 87(2)(b)			11/2	23/202	22	66
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Tim	e Rece	eived at CCI	RB
Tue, 05/25/2021 8:06 AM		Other City agency	E-mail		Tue, 05/2	5/202	1 8:06 AM	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Carlyle Jeanjoseph	07880	960728	DB CEIS					
2. SGT Veronika Folvarsky	04322	952740	066 PCT					
3. PO Olga Berkovich	07979	963400	066 PCT					
Witness Officer(s)	Shield N	lo Tax No	Cmd Name					
1. POM Cody Bedford	04942	968960	066 PCT					
Officer(s)	Allegati	on			Inv	estiga	tor Recon	nmendation
A.POM Carlyle Jeanjoseph	Abuse: I	Police Officer Carlyle Jean property.	anjoseph damaged §8	37(2)(1	p)			
B.POM Carlyle Jeanjoseph	Abuse: I	Police Officer Carlyle Jea	anjoseph entered in Brooklyn.					
C.SGT Veronika Folvarsky	Abuse: S	Sergeant Veronika Folvar of § 87(2)(b) pr	rsky participated in troperty.	he				
D.SGT Veronika Folvarsky	Abuse: S at § 87(2)(b)	Abuse: Sergeant Veronika Folvarsky participated in the entry at § 87(2)(6) in Brooklyn.						
E.POM Carlyle Jeanjoseph	Abuse: I	Police Officer Carlyle Jea with the use of						
F.POM Carlyle Jeanjoseph	Abuse: Police Officer Carlyle Jeanjoseph sexually humiliated [§ 87(2)(b)] through failure to cover.							
G.POM Carlyle Jeanjoseph	Abuse: I	Abuse: Police Officer Carlyle Jeanjoseph forcibly removed to the hospital.						
H.SGT Veronika Folvarsky		Abuse: Sergeant Veronika Folvarsky participated in the forcible removal of [887(2)(b)] to the hospital.						
I.SGT Veronika Folvarsky	Abuse: S § 87(2)(b)	Sergeant Veronika Folvar with a business	•	e				
J.PO Olga Berkovich	Abuse: I	Police Officer Olga Berko with a business		de				
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								

Case Summary



CCRB Case # 202103150





An emotionally disturbed person is defined as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others, <u>Patrol Guide Procedure</u> 221-13 (**BR 10**). The emergency doctrine is comprised of three elements: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property and this belief must be grounded in empirical facts; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched, <u>People v. Doll 21 N.Y.3d 665 (2013) (BR 11)</u>.

opened the front door. PO Jeanjoseph entered the house and approached the fifther floor apartment, where the EDP, lived. Up to this point, it was established the unverified and unidentified 911 caller stated that was "mentally disturbed and nonviolent, and her complaint was that he kept setting off the house alarm. Although Centr Dispatch sent this over as an EDP job due to the description of as "mentally disturbed," the report did not state that he was behaving in a manner which was likely to result serious injury to himself or others, as defined by Patrol Guide Procedure 221-13. PO Jeanjoseph also acknowledged that he told PO Bedford that provided minimal confirmation that provided minimal confirmation that provided minimal confirmation that did not raise any concerns for the safety of story or others. Moreover did not raise any concerns for the safety of story or others. Moreover po Jeanjoseph testified that he had no immediate concerns or a belief that there was an immediate ed for his assistance when story or others had no immediate concerns or a belief that there was an immediate ed for his assistance when specifically requested time to change before he shut the door.	nat d" al in h on over, ate
The concerns that PO Jeanjoseph had we because he did not know what could potentially happen, such as refusing to return to the door, but not based on empirical facts, Although the alarm went off and PO Jeanjoseph was not familiar with the location, his concern that there was another individual and/or weapons in the apartment was not founded on empirical facts either. EMS was at the location and did have to evaluate so there might have been an issue if would do after he close door to get dressed, and instead immediately struggled to keep the door open and ultimately brodown the door when it was closed.	ot rn to d the
§ 87(2)(g)	
Allegation (C) Abuse of Authority: Sergeant Veronika Folvarsky participated in the entry in Brooklyn. Allegation (D) Abuse of Authority: Sergeant Veronika Folvarsky participated in the dama of property. At the 1:00 mark in Sgt. Folvarsky's BWC (BR 03), she follows PO Bedford and PO Jeanjosep into the building. Sergeant Veronika Folvarsky participated in the dama of property. At the 1:00 mark in Sgt. Folvarsky's BWC (BR 03), she follows PO Bedford and PO Jeanjosep into the building. Sergeon opens the door. At the 1:50 mark, Sergeon closes door and PO Jeanjoseph immediately starts to kick down the door. PO Bedford stands between	oh s the

Jeanjoseph and Sgt. Folvarsky while this is going on. At the 2:20 mark, PO Jeanjoseph steps into

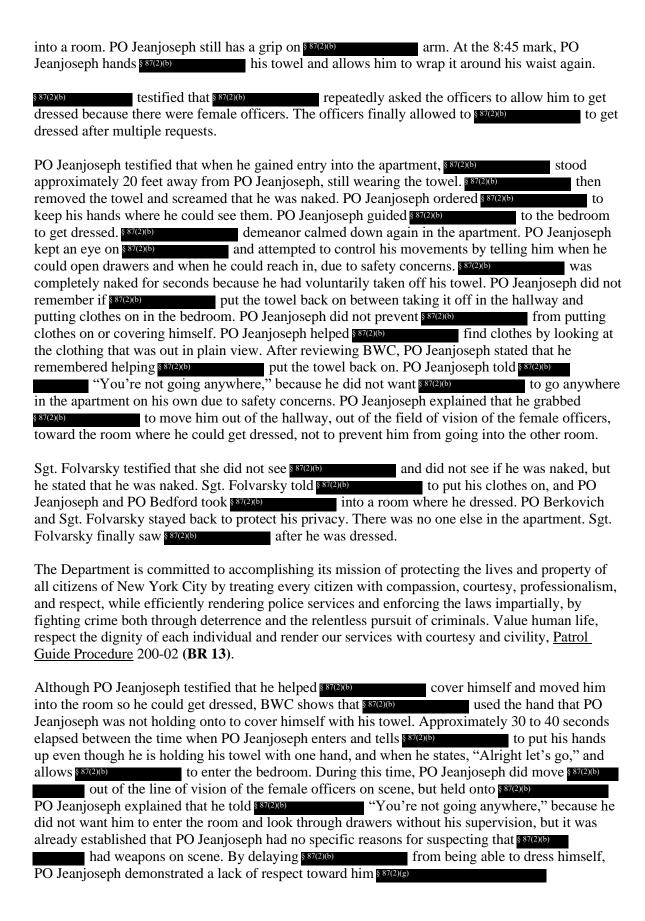
the apartment. § 87(2)(b) yells out, "Stop it, I'm naked." Sgt. Folvarsky testified that she did not remember what additional details the 911 call included. The call stated that it was a nonviolent EDP, but unknown weapons at location. Sgt. Folvarsky did not remember if the 911 call requested a removal to hospital, or if it was stated that the EDP was a threat to himself. On the way to the location, Sgt. Folvarsky looked up the location and saw that there was an extensive 911 history with calls regarding an EDP, including those for which he was removed to the hospital. Sgt. Folvarsky did not remember how many calls she saw in the history. Sgt. Folvarsky saw one previous job in 2020 during which the EDP had barricaded himself, requiring ESU to respond and remove the EDP from the apartment. Sgt. Folvarsky also viewed an AIDED card from 2020 which stated that he had not been taking his medication for schizophrenia. Sgt. Folvarksy had never been to the location herself. While PO Jeanjoseph and PO Bedford approached the door to § 87(2)(b) apartment and knocked, she stood behind them and tried to get more information from § 87(2)(b) Sgt. Folvarsky was unable to hear the officers' because she was talking to \$87(2)(6) conversation/dispute with § 87(2)(b) and could not explain why there was a dispute if \$87(2)(6) did open the door. Sgt. Folvarsky did not know what kind of alarm it was, but \$87(2)(b) stated that it was a house alarm. § 87(2)(b) did not state how it was set off, or that \$87(2)(6) had set it off. Sgt. Folvarsky could not observe what § 87(2)(b) demeanor was like, or if there was an emergency that required immediate removal to the hospital. Sgt. Folvarsky had not observed much up to this point, had weapons, but believed that her officers had a reason for including whether § 87(2)(b) taking the door down. Sgt. Folvarsky could not determine if an entry was required because she did not see what her officers saw. A commotion occurred at the apartment door involving a verbal dispute between \$87(2)(b) and the officers, who were telling him to open the door. From her peripheral vision, Sgt. Folvarsky could see that § 87(2)(6) had opened the door, but did not see him or if he was naked or wearing a towel. After the commotion, Sgt. Folvarsky saw that the apartment door was kicked down completely off the hinges, and \$87(2)(6) that he was naked. Sgt. Folvarsky's BWC confirms that she did not do anything to intervene when PO Jeanjoseph door and entered the apartment. However, she explained that she did have some concerns about the alarm that went off when the officers were in the house, and that did not know if \$87(2)(6) had been taking his medications. Sgt. Folvarsky stated that because she did not see what PO Jeanjoseph saw, because she stood behind him in the hallway, she trusted that PO Jeanjoseph had a reason for breaking down the door. Allegation (E) Abuse of Authority: Police Officer Carlyle Jeanjoseph threatened [887(2)(6)] with the use of force. At the 7:46 mark in PO Jeanjoseph's BWC, PO Jeanjoseph yells at §87(2)(6) takes out his taser with the warning laser visible, and yells that he has a taser. At the 7:50 mark, PO Jeanjoseph states that he is going to break the door and he wants to see \$87(2)(6) hands. testified that while PO Jeanjoseph kicked the door open, he put his taser in the opening of the door as he verbally threatened to taser \$8000 at least five times. Once PO Jeanjoseph broke the door in, he holstered his taser as he entered the apartment. PO Berkovich

and Sgt. Folvarsky followed in with EMS.

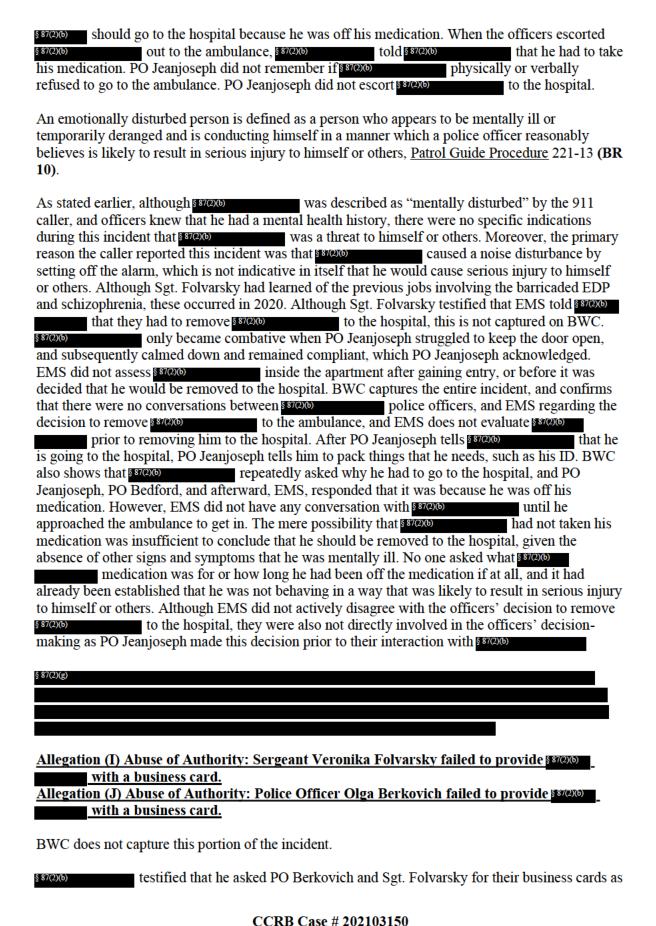
PO Jeanjoseph testified that he unholstered his taser after seeing that \$87(2)(6) during the struggle with the door, to ensure his safety and the safety of the others. After reviewing BWC, PO Jeanjoseph acknowledged that he unholstered his taser during the struggle with the door. PO Jeanjoseph did not remember how he held the taser when his unholstered it. PO Jeanjoseph did not remember if he pointed it at \$87(2)(6) PO Jeanjoseph told \$87(2)(6) reach into drawers because he kept distancing himself with PO Jeanjoseph and PO Jeanjoseph used verbal warnings along with having his taser in his hand to warn §87(2)(6) that if he was not compliant, he would be tasered. There were no other reasons for having his taser out. PO Jeanjoseph did not remember when he holstered his taser again. A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present, Patrol Guide Procedure 221-08 (BR 12). As previously established, the officers did not have sufficient justification to force their entry into the apartment or prevent \$37(2)(0) from shutting the door, which he had the right to do. Although § 87(2)(b) used some level of force to shut the door, he was not at risk of physically injuring himself or others, and PO Jeanjoseph was not justified in using force or threatening the use of force in order to forcibly enter the apartment by standards outlined in Patrol Guide Procedure 221-08. § 87(2)(g) Allegation (F) Abuse of Authority: Police Officer Carlyle Jeanjoseph sexually humiliated \$ 87(2)(6) through failure to cover. At the 8:10 mark in PO Bedford's BWC, PO Bedford moves the door slightly and enters the apartment behind PO Jeanjoseph. At the 8:15 mark, it appears that \$87(2)(6) towel comes loose, and he is completely naked, with nothing covering his genitals. asks if he can get dressed. At the 8:18 mark, PO Jeanjoseph grabs \$87(2)(6) wrist with one hand continues to ask if he can get dressed, states and hands his taser to PO Bedford. §87(2)(b) that he is embarrassed and that there are women entering the apartment (referring to the female officer and female sergeant). At the 8:30 mark, PO Bedford follows PO Jeanjoseph and [8370)0 into a room. PO Jeanjoseph still has a grip on \$87(2)(6) arm. At the 8:45 mark, his towel and allows him to wrap it around his waist again. PO Jeanjoseph hands \$87(2)(6) At the 8:03 mark in PO Jeanjoseph's BWC, PO Jeanjoseph steps into the apartment. holds his towel open and yells out, "Stop it, I'm naked," and wraps it back around his waist as PO Jeanjoseph tells him to put his hands up. [88(9)6] raises his hands, holding the towel in one hand. § 87(2)(6) asks PO Jeanjoseph to stop and asks if he can get dressed and states that there are women, referring to PO Berkovich and Sgt. Folvarsky. PO Jeanjoseph grabs § 87(2)(b) right arm. At the 8:34 mark, PO Jeanjoseph grabs onto §87(2)(6) right hand and states, "Listen, you're not going anywhere." §\$7(2)(b) asks if he can get dressed again. At the 8:46 mark, PO Jeanjoseph states, "Alright, let's go."

CCRB CTS – Confidential Page 6

At the 8:30 mark in PO Bedford's BWC, PO Bedford follows PO Jeanjoseph and



§ 87(2)(g)
Allegation (G) Abuse of Authority: Police Officer Carlyle Jeanjoseph forcibly removed to the hospital. Allegation (H) Abuse of Authority: Sergeant Veronika Folvarsky participated in the forcible removal of \$87(2)(0) to the hospital.
At the 9:08 mark in PO Bedford's BWC, PO Jeanjoseph states, "You know what's going to happen right? You're going to the hospital." asks what he's being taken to the hospital for, and PO Jeanjoseph responds, "For mental." PO Jeanjoseph and PO Bedford are the only ones in the room.
At the 12:30 mark in PO Jeanjoseph's BWC, as strictly exits the house, strictly tells him that he needs to "get [his] medication right." At the 12:54 mark, an EMT tells strictly that he needs to get his medication fixed.
At the 3:40 mark in Sgt. Folvarsky's BWC, EMS has a conversation with satisfies about why the officers had to break down the door. At the 4:30 mark, Sgt. Folvarsky leaves and EMS in the hallway. They continue to speak, but Sgt. Folvarsky's camera does not pick up any conversation about removing satisfies to the hospital. At the 5:20 mark, the EMTs walk away from satisfies toward the living room door.
testified that \$87000 was removed to \$87000 Hospital, and he returned home within an hour and a half.
Statements were not obtained from EMS because the investigation was able to come to an affirmative finding without them.
When Sgt. Folvarsky observed was not himself," and he paced back and forth. Sgt. Folvarsky was able to tell that was not himself," and he paced back and forth. Sgt. Folvarsky was able to tell that was distressed because of her previous experiences with EDPs. Sgt. Folvarsky did not have any conversation with sate of her previous experiences with EDPs. Sgt. Folvarsky did not have any conversation with sate of her previous experiences with EDPs. Sgt. Folvarsky did not have any conversation with sate of her previous experiences with EDPs. Sgt. Folvarsky did not his medication, but PO Jeanjoseph likely did when he was in the room with him. Sgt. Folvarsky stated that when an EDP is confirmed not to have taken their medication, EMS removes them to the hospital for assessment. Because sate of her previous experiences with EDPs. Sgt. Folvarsky stated that when an EDP is confirmed not to have taken their medication, EMS removes them to the hospital for assessment. Because sate of her previous experiences with EDPs. Sgt. Folvarsky stated that when an EDP is confirmed not to have taken their medication, EMS removes them to the hospital for assessment. Because sate of her previous experiences with EDPs. Sgt. Folvarsky did not his medication, EMS removes them to the hospital for assessment. Because sate of her previous experiences with EDPs. Sgt. Folvarsky did not his medication, EMS removes them to the hospital for assessment and had been off his medication, it was decided that he would be removed to the hospital. EMS told sate of the hospital sate o
PO Jeanjoseph testified that he did not remember specifically who made the decision to remove to the hospital, because he did not know if EMS spoke with PO Jeanjoseph was not sure if PO Bedford prepared the AIDED card, but PO Jeanjoseph likely directed him to since PO Bedford had recently joined the force. PO Jeanjoseph did not remember having any conversation with or receiving any orders from Sgt. Folvarsky prior to entering the ambulance. PO Jeanjoseph escorted count to the ambulance, and he was removed to Hospital. PO Jeanjoseph did not restrain samples because he walked willingly to the ambulance.



did not ask them anything.
Sgt. Folvarsky testified that street did not request her business card, name, or shield number. Sgt. Folvarsky had given her last business cards out for the assault job, so she did not have any business cards with her. Sgt. Folvarsky did not provide her name or shield number in lieu of the business card because she was not asked for them. Sgt. Folvarsky believed that PO Berkovich did not provide her name, shield number, or business card to \$3000000000000000000000000000000000000
PO Berkovich testified that she did not remember if stop asked her for her business card, name, or shield number. PO Berkovich did not remember if she provided with a business card, or if she was carrying business cards at the time. PO Berkovich did not know if Sgt. Folvarsky provided her business card to \$87000
PO Jeanjoseph testified that he did not remember if say asked PO Berkovich and Sgt. Folvarsky for their business cards, or if PO Berkovich and Sgt. Folvarsky provided their business cards to say to say to say the say of
Sgt. Folvarsky testified that she was not asked for a business card or identifying information, and PO Berkovich did not remember being asked for a business card. Sgt. Folvarsky testified that neither she nor PO Berkovich provided their information to strong and PO Berkovich testified that she did not remember. Sgt. Folvarsky additionally confirmed that she had run out of business cards at the time.
Additionally, this was not an incident in which officers would have been required to offer their business cards.
§ 87(2)(g)
§ 87(2)(g), § 87(4-b)
Civilian and Officer CCRB Histories
 This is the first CCRB complaint to which source has been a party (BR 15). This is the first CCRB complaint to which source has been a party (BR 16). PO Jeanjoseph has been a member-of-service for six years and has been a subject in one
CCRB complaint and one allegation, none of which were substantiated.

§ 87(2)(g)

- Sgt. Folvarsky has been a member-of-service for nine years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated.
- PO Berkovich has been a member-of-service for five years and has been a subject in one CCRB complaints and one allegation, none of which were substantiated. Case #202101347 is pending investigation.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 24, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (BR 17).

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad:	6		
Investigator: _	Lily Kim Signature	Investigator Lily Kim Print Title & Name	7/6/2022 Date
Squad Leader:	Jessica Peña Signature	IM Jessica Peña Print Title & Name	7/25/2022 Date
Reviewer: _	Sionature	Print Title & Name	Date